

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
THE IMPLEMENTATION OF THE ) WC Docket No. 21-450  
AFFORDABLE CONNECTIVITY PROGRAM )

## REPLY COMMENTS OF THE CITY OF SEATTLE

These Reply Comments are submitted in response to the Public Notice released on November 18, 2021, seeking comment on the design and implementation of *Affordable Connectivity Program*.<sup>1</sup> Seattle originally submitted Comments<sup>2</sup> for this record on December 8, 2021. We continue to send our appreciation to the Commission for valuing local community input on the implementation of this important connectivity support program. We also continue to commend the Commission and its staff for efforts to transition the *Emergency Broadband Benefit Program* and launch the *Affordable Connectivity Program* with minimal disruption or barriers to eligible households.

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<sup>1</sup> Public Notice, *Wireline Competition Bureau Seeks Comment on the Implementation of the Affordable Connectivity Program*, WC Docket No. 21-450 (Nov.18, 2021).

<sup>2</sup> [https://ecfsapi.fcc.gov/file/12090935900757/Seattle Comments FCC Affordable Connectivity Program WC Docket No.2021-450.pdf](https://ecfsapi.fcc.gov/file/12090935900757/Seattle%20Comments%20FCC%20Affordable%20Connectivity%20Program%20WC%20Docket%20No.2021-450.pdf)

## Introduction

Seattle is a member of several national organizations that submitted Comments for this record, including the National Digital Inclusion Alliance (NDIA), Next Century Cities (NCC), the National Association of Telecommunications Officers & Advisors (NATOA), the Schools, Health & Libraries Broadband Coalition (SHLB), and the National League of Cities (NLC). We support the Comments of these organizations<sup>3</sup> as reflecting insightful and valuable input for the successful Affordable Connectivity Program (ACP) program transition, and its long-term success in meeting the needs and interests of low-income households. Our Reply Comments also support these recommendations offered in the record by Commenters, that the Commission should:

- Explicitly designate homeless shelters as eligible to receive ACP discounts as multiple tenant environments.
- Protect eligibility of attendees at Community Eligibility Provision (“CEP”) schools.
- Give schools and libraries access to ACP funding to serve eligible families after the Emergency Connectivity Fund (ECF) program ends.
- Delay until June 30, 2022, all but congressionally mandated changes in the program.
- Support the sponsored connectivity programs that local governments have already established.
- Provide USAC’s Program Tracker data at local zip level to support outreach and analysis.

## Explicitly designate homeless shelters as eligible to receive ACP discounts as multiple tenant environments.

We support Comments in the record filed by the City of Boston (et al)<sup>4</sup>, CETF<sup>5</sup>, E-Rate Central and SHLB<sup>6</sup> recommending the Commission adapt the proposed ACP rules for multiple tenant environments to accommodate the transient population living in homeless facilities, and **explicitly designate homeless shelters as eligible to receive ACP subsidy**, rather than the individuals or

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<sup>3</sup> Comments of National Digital Inclusion Alliance (NDIA), Dec 8, 2021; Next Century Cities (NCC), Dec 8, 2021; National Association of Telecommunications Officers & Advisors (NATOA), Dec 8, 2021; National League of Cities (NLC), Dec 8, 2021; the Schools, Health & Libraries Broadband Coalition (SHLB), Dec 8, 2021.

<sup>4</sup> City of Boston, et al, Section VII, p. 16 (“Ensure that homeless school aged families and library patrons, i.e., those that might be in a family shelter, domestic violence shelter or other temporary shelters have access to the benefits of the ACP”)

<sup>5</sup> Comments of the California Emerging Technology Fund (CETF), December 8, 2021, p. 3 (“EBB and ACP rules should explicitly include homeless centers as eligible for support under the multiple dwelling unit provisions.”)

<sup>6</sup> Comments of SHLB Coalition, p. 3 (“Homeless centers are one particular type of multiple dwelling unit that should be specifically cited as eligible in the ACP rules.”)

individual families they accommodate. This aligns with Seattle Comments<sup>7</sup> that a most effective way to reach and help large populations of eligible participants is to allow ISPs to partner with public housing authorities, tribal authorities, and other low-income housing and similar providers to aggregate the ACP subsidy and centrally manage the service provision. Allowing this approach will expand solutions for instances where multiple tenant environments have concentrations of eligible residents with housing, language, or digital literacy barriers that undermine their ability to engage in an individual ISP contract to participate in the ACP.

### Protect Eligibility of Attendees at Community Eligibility Provision (“CEP”) Schools

We support Comments<sup>8</sup> that the Community Eligibility Provision (CEP) to automatically approve student households for EBB participation should be maintained for the ACP. Changing an eligibility mechanism that enabled many eligible households to easily be EBB-enrolled, and requiring families to demonstrate individual qualification for free/reduced-price school meals, will increase the burden on low-income student households and create a significant barrier to participation for families most in need of the ACP. We agree with National League of Cities comments that “While using the CEP to automatically approve students may lead to a de minimis number of ineligible households receiving program benefits, there is a far greater risk that eligible households may not be able to overcome enrollment obstacles.”<sup>9</sup> The proposed solution of eliminating the CEP criterion is also unwarranted given the fraudulent activity complained of is being conducted by EBB ISPs, **not EBB recipients**. The Commission should protect the automatic approval of student households at CEPs and instead focus on the means it has available to put a confirmation burden on ISPs to deter any continued abuse.

### Give schools and libraries access to ACP funding to serve eligible families after the Emergency Connectivity Fund (ECF) program ends.

We support Comments that recommend enacting transitional ‘ECF to ACP’ rules that would provide a seamless transition of school and library bulk ECF subscription plans into the ACP for all eligible households. Specifically, “Schools and libraries, which are currently permitted to engage

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<sup>7</sup> Comments of Seattle, p. 8 (“Adopt Measures to Support Aggregated Billing Arrangements and Ease of Participation for Low-Income Residents in Multi-Tenant Buildings”)

<sup>8</sup> Comments of NDIA, p. 8; NATOA, p.7; NLC, p.3, Free Press, p. 15

<sup>9</sup> Comments of NLC, p.7

in bulk purchasing under the ECF program, should also be permitted to participate in the ACP program so that they can continue providing services to low-income families after the ECF program sunsets.”<sup>10</sup> Schools and libraries are trusted community anchor institutions with a long history of effectively supporting unconnected community members with access to internet access opportunities. They will continue to serve as central institutions that can reach and provide connectivity to some of the most vulnerable members of communities. The ECP program sunseting should not undermine the contributions they’ve made to connecting eligible households; allowing schools and libraries access to ACP funds will prevent the households relying on connectivity gained through bulk ECF subscription plans from becoming unconnected again.

[Delay until June 30, 2022, all but congressionally mandated changes in the program.](#)

The record contains Comments from both service providers<sup>11</sup> and subscriber advocates<sup>12</sup> that reflect a common need for more time to ensure the transition to the ACP is least disruptive for the target populations Congress seeks to help. We support recommendations for the Commission to postpone any changes in the EBB program processes until after the 2021-2022 school year, and establishing June 30, 2022, as the target for maintaining the status quo to the extent permits under the law.<sup>13</sup>

This timeline will provide opportunities for schools and other trusted community partners to bring awareness of the ACP transition to EBB-enrolled households during the winter and spring. It will also provide ISPs needed transition time to smoothly navigate through the transition<sup>14</sup> and “shift their customers from one framework to the next”<sup>15</sup>.

It is important for the Commission to not underestimate how many low-income households have the risk of being harmed by the EBB to ACP transition, whether that is experiencing disruption or

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<sup>10</sup>Comments of E-Rate Central and SHLB, p. 4

<sup>11</sup>Comments of Competitive Carriers Association (CCA), Dec 8, 2021, p.2 (“providers must overhaul their systems to deliver the new benefit for their customers in very short order”)

<sup>12</sup>Comments of City of Boston, et al, p 3; E-Rate Central and SHLB, p.4

<sup>13</sup> Ibid

<sup>14</sup>Comments of Competitive Carriers Association, pp. 3-4 (“Creating new policies and procedures and then coding those changes into providers’ existing systems in a compressed timeframe, at the end of a calendar year, is a significant undertaking for large and small carriers alike, particularly as they cannot even begin addressing several open issues on which the Commission has sought comment in the Public Notice until the Commission resolves those issues in implementing regulations.”)

<sup>15</sup> Ibid

loss of existing service, or inadvertently incurring service costs they will not be able to afford.

The potential negative impact of any internet service program transition on community members with limited digital literacy and language barriers is high; extending the transition time will support of more seamless ACP implementation.

#### Support the sponsored connectivity programs that local governments have already established

We agree with Comments from the City of Boston, et al regarding the Commission exploring ways the ACP can be used to “support sponsored connectivity programs local governments have stood up rather than force those program participants to convert to a new program.” As is expressed throughout the record by Commenters working closely with low-income residents to connect them with the EBB, it takes significant time and individualized effort to assist the households with program enrollment. Using the ACP implementation as an opportunity to capitalize on local programs *already established and working* to support participation will help expedite ACP success while also preventing unnecessary re-application barriers and transition confusion.

#### Provide USAC’s Program Tracker Data at Local Zip Level to Support Outreach and Analysis

We support Comments from other local governments<sup>16</sup>, Next Century Cities<sup>17</sup> and Free Press<sup>18</sup> to reiterate the importance of the ACP being structured to offer at the 5-digit zip code level all USAC data offered at the national level<sup>19</sup>; it is at the 5-digit zip level that local partners can best identify efforts that are working in advertising EBB/ACP and tracking program enrollment.<sup>20</sup>

We also request a new key data point for the ACP tracker: the number of **previously unconnected** households being newly connected due to EBB/ACP support separate from those *already connected* households receiving support. This data will improve insights on the effectiveness of local interventions to address digital equity for the unconnected. For example, Seattle’s quadrennial *Technology Access and Adoption study* tracks the technology access and adoption of

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<sup>16</sup> Comments of City of Boston, et al, p 21 (“It is vital to know how many new households EBB/ACP are bringing on line, as opposed to the very laudatory goal of keeping households on line.”)

<sup>17</sup> Comments of Next Century Cities, pp. 23-24 (“B. Granular Data Reporting and Tracking Can Inform Local Outreach Efforts”)

<sup>18</sup> Comments of Free Press, Dec 8, 2021, pp. 25-26

<sup>19</sup> [www.usac.org/about/emergency-broadband-benefit-program/emergency-broadband-benefit-program-enrollments-and-claims-tracker/additional-ebb-program-data](https://www.usac.org/about/emergency-broadband-benefit-program/emergency-broadband-benefit-program-enrollments-and-claims-tracker/additional-ebb-program-data)

<sup>20</sup> Comments of City of Boston, et al, p 20

our community. The data from our most recent study (2018) concluded that 95% of Seattle households *have* internet access in the place where they live. The 5% disparity<sup>21</sup> was estimated in 2020 to affect 17,000 households.<sup>22</sup> With the EBB program 5-digit zip data we can see that almost 14,000 Seattle households are utilizing the EBB. However, the program data *does not* help us understand how the EBB has helped get connectivity enabled for the 17,000 unconnected households.

## Conclusion

We thank the Commission for the opportunities to help inform the implementation of the new Affordable Connectivity Program and reach low-income community members in need of essential connectivity support. We reiterate our availability for additional discussion and look forward to assisting in the implementation of the ACP and upcoming FCC work on broadband deployment, adoption, and digital equity and opportunity.

If you wish to follow-up, please feel free to contact either Alice Lawson, Broadband and Cable Program Manager ([alice.lawson@seattle.gov](mailto:alice.lawson@seattle.gov)) or David Keyes Digital Equity Program Manager ([david.keyes@seattle.gov](mailto:david.keyes@seattle.gov)).

*Respectfully Submitted By,*

City of Seattle, Information Technology Department

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<sup>21</sup> [www.seattle.gov/tech/initiatives/digital-equity/technology-access-and-adoption-study](http://www.seattle.gov/tech/initiatives/digital-equity/technology-access-and-adoption-study), page 6, Key risk factor for lack of home internet access is living in poverty (at or below 135% of the Federal Poverty Level); they are 5 times more likely not to have internet access.

<sup>22</sup> <https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/09/Internet-for-All-Seattle-Report-FINAL.pdf>, p.3